

Remarks

A. Pending Claims

Claims 29, 31, 33-34, 38, 42, 45, 46, 48-54, 56, and 60-67 have been rejected. Claims 29, 56, and 61 have been amended. Claim 42 has been canceled. Claims 29, 31, 33-34, 38, 45-46, 48-54, 56, 60-67 are pending.

B. The Claims Are Not Anticipated By Heyn Pursuant To 35 U.S.C. § 102(b)

Claims 29, 31, 42, 45-46, 48-51, 53-54, 56 and 60-67 were rejected pursuant to 35 U.S.C. §102 (e) as being anticipated by U.S. Patent No. 6,629,981 to Bui et al. ("Bui"). Applicant respectfully submits that the claims are allowable for at least the following reasons.

The standard for "anticipation" is one of fairly strict identity. To anticipate a claim of a patent, a single prior source must contain all the claimed essential elements. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 231 U.S.P.Q.81, 91 (Fed. Cir. 1986); *In re Donahue*, 766 F.2d 531, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Further, the Examiner must consider all words in a claim in judging the patentability of that claim against the prior art. *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970); M.P.E.P. §2143.03. (Emphasis added). When evaluating the scope of a claim, every limitation in the claim must be considered. A claimed invention may not be dissected into discrete elements and then the elements reevaluated in isolation. Instead, the claim as a whole must be considered. See, e.g., *Diamond v. Diehr*, 450 U.S. 175, 188-89, 209 USPQ 1, 9 (1981)

Independent Claim 29

Amended claim 29 recites a combination of features including, but not limited to:

a stop positioned approximate to the proximal end of the stent between the first and second conduits, wherein the stop is configured to inhibit movement of the stent in a proximal direction relative to the first conduit.

With respect to the claims, the Office Action states:

The distal end 15d of another conduit between the first and second conduits serves as a stop to inhibit movement of the stent in a proximal direction (Figures 2-3)

Applicant respectfully disagrees with the Office Action's position that Bui teaches all of the features of claim 29. Applicant respectfully submits that the cited art does not appear to teach or suggest at least the above-cited combination of features.

Applicant's claims are directed to a stent delivery system that includes a stop positioned approximate to the proximal end of the stent between the first and second conduits. In contrast, Bui does not appear to teach or suggest a stop positioned approximate to the proximal end of the stent. For example, Bui discloses:

Near the distal tip 15d of the outer catheter 15, an annular recess 30 or notch is formed in the outer wall. As with the inner catheter recess, the recess or notch does not extend entirely through the catheter wall. In the embodiment shown, the annular recess extends to a depth equal to or greater than the stent thickness. Cut-out or holes extending entirely through the catheter wall may be used in lieu of the recess or notch. The outer catheter has a side lumen 31 which passes from the distal end of the catheter, at least from the annular recess proximally to the proximal end of the delivery system. The side lumen 31 opens into the annular recess 30. A second pullwire 32, disposed within the side lumen 31 of the outer catheter 15 extends from the proximal end of the delivery system to the annular recess 30. The pullwire 32 extends further distally to engage the stent, and, optionally, into the distal extension 33 of the pullwire lumen beyond the annular recess. The second pullwire 32 engages a hole 34 or hook in the proximal end of the stent (visible in FIG. 3), and thereby retains the proximal end of the stent to the distal end 15d of the outer catheter tube. (Bui, Col. 6, lines 36-55)

Bui appears to disclose that an annular recess, or notch is formed in the wall of outer catheter 15. Turning to FIG. 2, annular recess 30 is depicted near the distal end of catheter as an opening that appears to be positioned at a diameter that is greater than the stent. That is the stent could pass through the conduit 15 in a proximal direction, without conduit 15, or annular recess 30 preventing motion in the proximal direction. This can be more easily seen in FIG. 3. In FIG. 3, catheter 15 appears to partially cover the proximal end of the depicted stent. Annular recess 30 is unlabeled but appears to be the hook shaped portion at the end of catheter 15. As shown in FIG. 3, it does not appear that either catheter 15 or annular recess 30 would be capable of inhibiting movement of the stent in a proximal direction relative to the first conduit.

Additionally, Bui teaches that the restriction of movement of the stent is achieved by the use of pullwires. For example, Bui teaches:

The pullwire engages a hole 27 or hook in the distal end of the stent (visible in FIG. 3), and thereby retains the distal end of the stent 10 to the distal end 14d inner catheter.
(Bui, Col. 6, lines 27-30)

The second pullwire 32 engages a hole 34 or hook in the proximal end of the stent (visible in FIG. 3), and thereby retains the proximal end of the stent to the distal end 15d of the outer catheter tube.
(Bui, Col. 6, lines 52-55)

Applicant submits that Bui does not appear to teach or suggest the feature of 'a stop positioned approximate to the proximal end of the stent between the first and second conduits, wherein the stop is configured to inhibit movement of the stent in a proximal direction relative to the first conduit' in combination with the other features of Applicant's claims. For at least these reasons, Applicant respectfully submits that claim 29 is allowable over the cited art.

Independent Claims 56

Amended claim 56 recites a combination of features including, but not limited to:

a stop positioned between the first and second conduits;

wherein the stop is positioned approximate to the proximal end of the stent, and wherein the stop is configured to inhibit movement of the stent in a proximal direction relative to the first conduit.

For at least reasons similar to those discussed above, Applicant respectfully submits that claim 56 is allowable over the cited art.

Independent Claims 61

Amended claim 61 recites a combination of features including, but not limited to:

- a stop positioned approximate to the proximal end of the stent between the first and second conduits, wherein the stop is configured to inhibit movement of the stent in a proximal direction relative to the first conduit.

For at least reasons similar to those discussed above, Applicant respectfully submits that claim 61 is allowable over the cited art.

For at least these reasons, Applicant respectfully submits that claim 61 is allowable over the cited art.

Dependent Claims

C. The Claims Are Not Obvious Over Bui In View of Wright Pursuant To 35 U.S.C. § 103(a)

Claims 33-34 was rejected under 35 U.S.C. §103(a) as obvious over Bui in view of U.S. Patent Publication No. 2004/0093063 to Wright et al. For at least these reasons similar to those discussed above, Applicant respectfully submits that claims 33-34 are allowable over the cited art.

D. The Claims Are Not Obvious Over Heyn In View Of Mikus Pursuant To 35 U.S.C. § 103(a)

Claim 38 was rejected under 35 U.S.C. §103(a) as obvious over Bui in view of U.S.

Patent No. 6,093,194 to Mikus et al. ("Mikus"). For at least reasons similar to those discussed above, Applicant respectfully submits that claim 38 is allowable over the cited art.

E. The Claims Are Not Obvious Over Heyn In View of Andreas Pursuant To 35 U.S.C. § 103(a)


Claim 52 was rejected under 35 U.S.C. §103(a) as obvious over Bui in view of U.S. Patent No. 5,250,059 to Andreas et al. ("Andreas"). Applicant respectfully disagrees. For at least reasons similar to those discussed above, Applicant respectfully submits that claim 52 is allowable over the cited art.

F. Additional Comments

Applicant submits that the claims are in condition for allowance. Favorable reconsideration is respectfully requested.

If any extension of time is required, Applicant hereby requests the appropriate extension of time. If any further fees are required, or have been overpaid, please appropriately charge, or credit, those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5660-01207/EBM.

Respectfully submitted,



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